

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
May 8, 2002

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Mayor David Dermer
Vice-Mayor Saul Gross
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Meeting called to order at 9:13:44 a.m.
Inspirational Message by Sons of The King Church Reverend Fermin Castaneda
Pledge of Allegiance led by Chief De Lucca
Requests for Additions, Withdrawals, and Deferrals

CONSENT AGENDA

- | | |
|---|----|
| PA1 Cert. of Apprec./Janet Lopez, Jamie Morales & Glenda Whipple, "At Your Service Awards." | 1 |
| PA2 Proclamation/E. Buchanan (Ex Herald Crime Reporter), University's Career Award. (Dermer) | |
| PA3 Proclamation/Public Works Dept., in Honor of "National Public Works Week." (Dermer) | |
| PA4 Cert. of Apprec./Luis Shishido, for his Efforts During Preparations of City Hall for BOMA. (Cruz) | |
| PA5 W -Proclamation/19th Annual "National Tourism Week." (Dermer) | |
| PA6 Cert. of Apprec./Miami Beach Sr. High School Jazz Band, for Achievements at State Level. Bower) | |
| PA7 Cert. of Apprec./S. Scott & D. Squire for Volunteer Services. (Dermer) | |
| PA8 Cert. of Apprec./Gilbert J. Novick, for Serving on the Safety Committee. (Garcia) | |
| PA9 Proclamation/Honoring "Haitian Cultural Heritage Month." (Dermer) | |
| PA10 Cert. of Apprec./Lt. Simpson, R. Morris, M. Brady, D. West, D. Swann & C. Pereny. (Dermer) | |
| PA11 Proclamation/Honoring "Miami Beach Education Day." (Bower) | |
| PA12 Proclamation/Honoring "Emergency Medical Services Week." | |
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| C4B Ref: Neighborhoods Committee-Creation of City Code Review Ad Hoc Committee. (Steinberg) | 5 |
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PA - Presentations and Awards

- PA1 Certificates Of Appreciation To Be Presented To Janet Lopez, Media Relations Office, Jamie Morales, City Attorney's Office And Glenda Whipple, Police Department, In Recognition Of The "At Your Service Awards" For The Months Of March, April And May, 2002.
(City Manager's Office)

ACTION: Certificates of Appreciation presented.

Glenda Whipple's Certificate was deferred.

- PA2 Proclamation To Be Presented To Edna Buchanan, For Her Eighteen Years Of Covering Crime For The Miami Herald And Receiving The University's Career Award.
(Requested By Mayor David Dermer)
(Deferred From April 10, 2002)

ACTION: Deferred.

- PA3 Proclamation To Be Presented To The Public Works Department In Honor Of "National Public Works Week."
(Requested By Mayor David Dermer)

ACTION: Proclamation presented.

- PA4 Certificate Of Appreciation To Be Presented To Luis Shishido, In Appreciation For All His Hard Work.
(Requested By Commissioner Simon Cruz)

ACTION: Certificate of Appreciation presented.

- PA5 Proclamation To Be Presented For The Nineteenth Annual "National Tourism Week," Promoting The Importance Of Travel And Tourism.
(Requested By Mayor David Dermer)

ACTION: Withdrawn.

- PA6 Certificate Of Appreciation To Be Presented To Miami Beach Sr. High School Jazz Band, For Achieving Superior Rating At State Level.
(Requested By Commissioner Matti Herrera Bower)

ACTION: Certificate of Appreciation presented to Mr. Bringle Cidel, Band Director.

- PA7 Certificates Of Appreciation To Be Presented To Susan Scott And Diane Squire Of Squire/Scott Public Relations, For Volunteering Services On Behalf Of The City Of Miami Beach.
(Requested By Mayor David Dermer)

ACTION: Certificates of Appreciation presented.

- PA8 Certificate Of Appreciation To Be Presented To Gilbert Jay Novick, For Serving On The Safety Committee.
(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Withdrawn.

- PA9 Proclamation To Be Presented In Honor Of "Haitian Cultural Heritage Month."
(Requested By Mayor David Dermer)

ACTION: Deferred.

- PA10 Certificates Of Appreciation To Be Presented To Lt. William Simpson, Jr., And The Following Firefighter's:
Raymond Morris, Michael Brady, Dale West, Douglas Swann, And Charles Pereny.
(Requested By Mayor David Dermer)

ACTION: Certificates of Appreciation presented. Jack Richardson, President of the Fire Fighters Union, spoke.

- PA11 Proclamation To Be Presented In Honor Of "Miami Beach Education Month."
(Requested By Commissioner Matti Herrera Bower)

ACTION: Proclamation presented.

- PA12 Proclamation To Be Presented In Honor Of "Emergency Medical Services Week."
(Fire Department)

ACTION: Proclamation presented.

New Item:

- PA13 Certificate Of Appreciation Presented To Isabella Pozo, Holiday Inn South Beach, In Recognition For
Receiving The "Going That Extra Mile Award."
(Requested By Mayor David Dermer)
(Deferred From March 20, 2002)

ACTION: Certificate of Appreciation presented.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Smith; Voice vote: 7-0.

Addendum items discussed - R9L, Report "H" and Report "I"

Motion made by Commissioner Garcia to add Addendum item R9L as emergency by 5/7 vote. Discussion continued. Commissioner Garcia withdrew his motion.

Motion made by Vice-Mayor Gross to have a Special Commission meeting on May 16, 2002 specifically to address the issue of The Greater Miami Visitors & Convention Bureau's contract; seconded by Commissioner Garcia. Mayor Dermer stated that he needed more time to prepare for the meeting.

The motion was amended to change the Special Commission Meeting date to Wednesday, May 22, 2002 at 9:00 a.m., which was accepted by Vice-Mayor Gross; Voice vote: 7-0. R. Parcher to advertise the meeting. Christina Cuervo to handle.

Motion made by Vice-Mayor Gross to add Report items "H" and "I" as emergency items by 5/7 vote; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia.

C4 - Commission Committee Assignments

- C4A Referral To The Land Use And Development Committee And The Finance And Citywide Projects Committee To Consider Preliminary Terms As Set Forth In A Letter Of Intent Submitted By The New World Symphony Relative To Its Proposed Lease Of A Portion Of The 17th Street Surface Parking Lot, To Accommodate Its Expansion Requirements.

(Economic Development)

ACTION: Referred. Jorge Gomez and Patricia Walker to place on Committee agendas. Christina Cuervo to handle.

- C4B Referral To The Neighborhoods Committee Regarding Creation Of A City Code Review Ad Hoc Committee.

(Requested By Commissioner Richard L. Steinberg)

ACTION: Referred. Vivian Guzman to place on Committee agenda. Al Childress to handle.

- C4C Referral To The Neighborhoods Committee - Discussion Regarding Enforcement Of Maintenance Standards In The Swale Areas Within The City's Right-Of-Ways.

(Requested By Vice-Mayor Saul Gross)

ACTION: Referred. Vivian Guzman to place on Committee agenda. Al Childress, Fred Beckmann and Tim Hemstreet to handle.

C6 - Commission Committee Reports

- C6A Report Of The Joint Land Use And Development And Business Resolution Task Force Committee Meeting Of April 1, 2002: **1)** Discussion On Amending Miami Beach City Code - Chapter 14 Entitled "Building Regulations" To Address Issues Related To The New Florida Building Code (Joint Item); And **2)** Discussion On Street Performer Ordinance.

ACTION: Written report submitted.

1. Motion: Item discussed and Committee suggested that notices of proposed changes be forwarded to property owner and merchants. No action required. **Phil Azan to handle.**
2. Motion: Remove South Pointe Park as one of new locations; hours of operation modified to be applicable to all locations. **SEE AGENDA ITEM: R5D.**

- C6B Report Of The Community Affairs Committee Meeting Of April 2, 2002: **1)** Discussion Regarding Amending Miami Beach City Code Chapter 2 "Administration", Division 2 Thereof By Creating Section 2-460 Entitled "Continuing Application After City Service", Prohibiting Certain Post-Employment Activity Of City Officers Or Employees For A Certain Period Of Time After Leaving City Employment; **2)** Discussion To Review And Enhance The Banner Approval And Placement Criteria; **3)** Discussion Regarding Review And Recommendation On A Citizen's Request To Televis, On Government Channel 20, Meetings Of The City Commission Committees; **4)** Discussion To Review The Administration's Policy Of Requests Made By The Mayor Or A City Commissioner To Place An Item On The City Commission Agenda; **5)** Discussion To Review The Process By Which Investigations Concerning Debarment Proceedings Are Conducted; **6)** Discussion Regarding Amendment To City Code Section 38-6, "Prohibited Campaign Contributions By Vendors"; **7)** Legal Opinion Regarding Allowing Reserve Officers To Be Honored Upon Retirement; And **8)** Discussion Regarding Legislation Requiring The Open Disclosure Of Fees Paid To Lobbyists Registered In The City Of Miami Beach.

ACTION: Written report submitted.

1. No motion made. Commissioner Garcia will withdraw the ordinance from the April 10 Commission Agenda. **SEE APRIL 10, 2002 R5G.**
2. Motion passed to authorize the Administration to approve the placement of banners in conformance with City Code Section 82-411, for events funded by the Visitor and Convention Authority, Cultural Arts Committee, City agency, and events taking place in the City via a Special Events Permit. All requests that do not fall in any of these aforementioned categories will be referred to the Commission for approval. **James Quinlan to handle. SEE AGENDA ITEM R5H.**
3. Motion made for the City to proceed televising Commission Committee Meetings in the Commission Chamber. **Commission Committee meetings to be scheduled in the Commission Chamber. Ron Francis to broadcast and videotape.**

City Clerk's note: Motion to reconsider: SEE AGENDA ITEM R6C for Committee action.

4. Motion was made to refer future Agenda items directly to the Commission Committees. Additionally, the Office of the City Attorney requested clarification on City Commission sponsorship of agenda items. It was agreed that the sponsor would be the Commissioner who first make a written request to the Office of the City Attorney. The Administration will continue to place on the City Commission Agenda, Section R9, requests forwarded by Commissioners.
5. The Office of the City Attorney will amend the ordinance and place it on the May 8th Commission Agenda.
6. The Legal Department and the Administration will research the issues raised by the Committee, with subsequent placement on a future Commission Agenda. **Legal Department and Gus Lopez to handle.**
7. Report submitted. The Committee requested the Office of the City Attorney amend the City Code to allow for donations to reserve officers and other organizations. **Legal Department to handle.**

8. Report submitted. The Committee requested the Office of the City Attorney reflect in the ordinance issues discussed by the City Commission at its March 20, 2002, meeting and at the Community Affairs Meeting, requiring lobbyists to disclose fees prior to engaging in lobbying activities. **Legal Department to handle. SEE AGENDA ITEM R5C.**

C6C Report Of The Finance And Citywide Projects Committee Meeting Of April 8, 2002: **1)** Consideration Of Alternatives Relative To The City's Existing Renewal Option In The Contract With The Greater Miami Convention And Visitors Bureau (GMCVB); **2)** A Resolution Approving The Miami Beach Business Assistance Program And Further Directing The Administration To Negotiate With LNR Property Corporation To Provide Additional Assistance For Their Relocation To Miami Beach; **3)** Phase II Issues Of The Byron Carlyle Theater; And **4)** A Report On The Financial Impact On The Fiscal Year 2001-2002 Budget Resulting From The Reduction In Resort Tax Collections.

ACTION: Item separated for discussion by Vice-Mayor Gross. Written report submitted.

City Clerk's note: The item numbers listed in the title and the item numbers listed in the actual report are different. To reconcile the discrepancy between item numbers, item numbers in the title were used.

1. The Committee instructed the Administration to meet with the GMCVB staff to evaluate the Bureau's performance on the specific elements stipulated in their agreement and report on the findings at the May 8, 2002 Commission Meeting with a recommendation on how to proceed with the two-year extension to the GMCVB agreement, including specific goals to be accomplished, as well as, develop a RFQ for consultant services to review the current structure, model and scope of services of the Bureau, as compared to other similar organizations and alternatives. **Christina Cuervo to handle.**

Handout and reference materials

1. GMCVB Renewal - Letters of Support and Press Clippings.

2. The Committee moved the item to the Full Commission and authorized the Administration to begin negotiating with LNR contingent on the establishment and funding of the Miami Beach Business Assistance Program as part of the Fiscal Year 2003 Budget process. **Christina Cuervo to handle. SEE AGENDA ITEM R7F.**
3. The Committee moved the item to the Full Commission. **Christina Cuervo to handle.**
4. No action required.

Vice-Mayor Gross stated that the Commission needs to decide what to do with this item.

C7 - Resolutions

C7A A Resolution Authorizing The City Manager Or His Designee To Submit Grant Applications For: 1) The Byron-Carlyle Theater, For Miami-Dade County Capital Development Grant Funds (Retroactive Approval Requested); And 2) The North Beach Recreational Corridor, For Federal Transportation Enhancement Funds; Further Appropriating The Grants If Approved And Accepted By The City, And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To These Applications.
(Grants Management)

ACTION: Resolution No. 2002-24829 adopted. Mayra Buttacavoli to handle.

C7B A Resolution Authorizing And Approving A First Amendment To The Professional Services Agreement Between The City And The Corradino Group, Inc., For The North Shore Neighborhood Streetscape Project; Said Amendment, In The Amount Of \$13,125, For Reimbursable Expenses; Authorizing The Consultant To Procure A Topographic Survey Of Streets On Parkview Island And To Procure Traffic Counts Of Additional Intersections Required By FDOT For The Collins/Harding Avenue Traffic Study; And Appropriating Funds, In The Total Amount Of \$13,125, From The Series 2000 General Obligation Bond Fund, Consisting Of \$9,150 For The Topographic Survey, And \$3,975 For The Traffic Counts.

(Capital Improvement Projects)

ACTION: Resolution No. 2002-24830 adopted. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

- C7C A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 11 To The Agreement With Camp, Dresser, And McKee, Inc. (CDM) To Provide Engineering Services For A Water And Sewer Master Plan; Said Amendment, In The Amount Of \$329,000, Providing For The Design And Construction Documents For Two New Water Tanks And A New Re-Pump Station At The 25th Street Public Works Yard; And Further Approving And Appropriating Funds, In The Amount Of \$329,000, Available In The \$59 Million Water And Sewer Bonds Fund No. 426; Approving And Appropriating Funds To Amend The Existing Contract With CDM For Supplemental Engineering Services, As Needed, In An Amount Up To \$29,960, Also Available In The \$59 Million Water And Sewer Bonds Fund No. 426.

(Capital Improvement Projects)

ACTION: Resolution No. 2002-24831 adopted. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

10:38:25 a.m.

- C7D A Resolution Appropriating Funds, In The Amount Of \$3,382,069, From The Gulf Breeze Loan Pool, For The Bayshore Golf Course Clubhouse And Related Facilities, In Preparation For The Project Bid, And For The Project Contingency, Testing, Art In Public Places Allocation, And Project Management; Allocating And Transferring \$24,360 From The Gulf Breeze Loan Pool Appropriation To The Art In Public Places Fund.

(Capital Improvement Projects)

ACTION: Item separated for discussion by Vice-Mayor Gross and Commissioner Steinberg. Resolution No. 2002-24832 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Gross; Voice Vote: 7-0. Patricia Walker to appropriate the funds. James Quinlan to notify the Art in Public Places Committee of allocation of \$24,360. Tim Hemstreet to handle.

Vice-Mayor Gross stated that he had asked Jorge Gonzalez, City Manager, to look into the possibility of creating a pedestrian walkway around the Bayshore Golf Course. He stated that in the Commission Agenda there is a letter from the engineer stating that a walkway is not feasible and probably unsafe at Bayshore Golf Course, but suggested that perhaps the walkway could be installed around the Par-3 Golf Course.

Jorge Gonzalez, City Manager, stated that although the final report of the Blue Ribbon Committee on Parks has not been issued, one of the items the Committees have pointed out is the deficiency in open space, fields, and ball fields. The Committee is looking at the Scott Rakow Youth Center and the need for adjacent field space.

Commissioner Bower stated that if there are any plans to change the Par 3 Golf Course to something else, she wants the residents in the area and the golfers to be informed when this discussion will take place.

Vice-Mayor Gross asked the City Manager on the status of the fence around the Bayshore Golf Course and if funds will be available.

Tim Hemstreet, Director of Capital Improvements Department, stated that there is no design or budget at this time to fence in Bayshore Golf Course.

Vice-Mayor Gross stated that he has received information from the Golf Advisory Committee that they feel strongly about a fence being installed around the Bayshore Golf Course. Vice-Mayor Gross and Commissioner Bower requested the issue of the fence be referred to the Neighborhoods Committee.

Vivian Guzman to place on Committee Agenda.

Commissioner Smith stated that the financial consultant stated that a fence is critical in order to preserve the revenue to repay the bonds. Jorge Gonzalez, City Manager, stated that a fence was never a part of the original design. If funds are available, then a fence should be pursued. Commissioner Smith added that if anything is going to happen which will negatively impact the ability to raise money to pay the bonds, it should be referred to the Finance and Citywide Projects Committee.

Commissioner Garcia indicated having received complaints about the stash site and the performance of the contractor. Jorge Gonzalez, City Manager, recommended referring the issue to the Neighborhoods Committee. **Vivian Guzman to place on Committee Agenda.**

Commissioner Steinberg is concerned that over \$3 million is being appropriated and bids have not been let. Tim Hemstreet stated that the Administration's policy is to appropriate the funds with the annual budget. This allows the Administration to keep better track of appropriations. He explained why it is necessary, in this particular case, to appropriate the funds at this time.

City Clerk's note: LTC 114-2002 is included as part of this Agenda Item.

Handout or reference materials:

1. Bayshore Golf Course Walking Path Attachment LTC 118-2002 dated May 7, 2002.
2. Letter from Kenneth A. Williams, Arthur Hills/Steve Forrest and Associates to Jorge Chartrand, dated March 17, 2002, in reference to the Bayshore Golf Course pedestrian path.

C7E A Resolution Approving And Adopting An Expanded Program Of Production Incentives, Attached As Exhibit "A" To This Resolution, Said Program To Be Administered Through The Film And Print Division Of The City's Office Of Arts Culture & Entertainment; Further Repealing Resolution No. 2001-24627.
(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2002-24833 adopted. James Quinlan to handle.

- C7F A Resolution Retroactively Approving And Authorizing The Placement Of Thirty-Two (32) Banners For The Billboard Live Latin Music Awards, To Be Held May 12, 2002, As Requested By The Applicant At The Following Locations: Collins Avenue, Between 15th Street And Lincoln Road; Collins Avenue, Between 45th Street And 46th Street; Washington Avenue, Between Lincoln Road And 18th Street; 17th Street, Between Collins Avenue And Convention Center Drive; Alton Road, Exit South (Corner Traffic Light); Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than May 1, 2002, And Removed By May 15, 2002.
(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2002-24834 adopted. James Quinlan to handle.

- C7G A Resolution Approving And Authorizing The Placement Of Fifty (50) Banners For The 6th Brazilian Film Festival Of Miami, To Be Held June 2 To June 9, 2002, As Requested By The Applicant At The Following Locations: Macarthur Causeway, Between The Coast Guard Station And Alton Road; 5th Street, Between Alton Road And Ocean Drive; Alton Road, Between 17th Street And 15th Street; Collins Avenue, Between 5th Street And 21st Street; And Collins Avenue, Between 71st Street And 87th Street; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than May 18, 2002, And Removed By June 12, 2002.
(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2002-24835 adopted. James Quinlan to handle.

- C7H A Resolution Setting A Public Hearing, Pursuant To Section 163.361, Florida Statutes, During The Regularly Scheduled Meeting Of The Miami Beach Redevelopment Agency (RDA), On Wednesday, May 29, 2002, At 10:00 A.M., To Consider Adopting A Resolution Of The Chairman And Members Of The RDA, Recommending Approval Of Amendments To The City Center Historic Convention Village Redevelopment And Revitalization Area Plan, An Approved Redevelopment Plan Under The Provisions Of Sections 163.360, Florida Statutes; Said Amendments A) Providing That The Plan Incorporate, By Reference, The Preliminary Proposed Master Plan For The 17th Street Surface Lots, Prepared By Zyscovich, Inc., Dated September 21, 2001; B) Developing And Implementing Community Policing Innovations Within The District, As Provided For In Sections 163.340, 163.350, 163.356, 163.360, 163.361, And 163.370, Florida Statutes; And C) Participating In The Miami Beach Business Assistance Program, For The Purpose Of Business Recruitment And Retention Within The Redevelopment Area.
(Economic Development)

(Resolution To Be Submitted)

ACTION: Resolution No. 2002-24836 adopted. Public hearing scheduled for May 29, 2002 at 10:00 a.m. R. Parcher to notice. Lilia Cardillo to place on the agenda. Christina Cuervo to handle.

- C7I A Resolution Authorizing The Administration To Issue A Request For Proposal (RFP) For Financial Advisory Services, For A Two-Year Period With Three One-Year Renewal Options.
(Finance Department)

ACTION: Resolution No. 2002-24837 adopted. Gus Lopez to issue RFP.

10:53:27 a.m.

- C7J A Resolution Adopting The First Amendment To The General, Enterprise, And Internal Service Funds

Fiscal Year (FY) 2001/02 Budgets To Appropriate Prior Year Encumbrances And Amend Certain Budgets In The General Fund.

(Finance Department)

ACTION: Items separated for discussion by Vice-Mayor Gross. Resolution No. 2002-24838 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Gross; Voice Vote 7-0. Patricia Walker to handle.

Vice-Mayor Gross stated that the City is \$180,000 over budget on the structural inspectors position in the Building Department. He has requested a report from the Administration on the progress of filling structural positions. The business community's biggest problem is the time it takes to get projects approved through the structural review process.

Jorge Gonzalez, City Manager, gave an oral report on the status of filling the Structural Plan Examiner position. In order to meet the demands of the business community, the Administration has engaged the services of outside companies to supplement City staff. In addition, the City recently hired a new employee to bring the total Structural Plans Examiners to three (3). The RFQ pre-qualifying for acquiring the services of additional firms is in the evaluation process.

Vice-Mayor Gross requested to try to have the RFQ recommendation placed on the May 29 Commission Agenda. **Gus Lopez and Phil Azan to handle.**

Hamid Dolikhani, Assistant Director, Building Department, gave an oral report on the actions taken by the Building Department to meet the service demands.

Vice-Mayor Gross requested that if outside companies are going to be used, to have them review the plans quickly, and give more work to those companies who review the plans faster.

Jorge Gonzalez, City Manager, stated that Code Compliance has moved to the 555 Building. This will allow the Administration (Planning, Zoning and Building Departments) to provide a better level of service by proceeding with the plans to have a walk-through, one-stop process on the second floor.

- C7K A Resolution Accepting The Recommendation Of The City Manager Pertaining To Request For Proposals (RFP) No. 13-01/02, Insurance Broker/Vendor Services To Develop And Implement A Full Cafeteria Plan (IRS Section 125 Plan) For The City Of Miami Beach; Authorizing The Administration To Enter Into Negotiations And; If Successful, Authorizing The Mayor And City Clerk To Execute A Contract With United Group Programs (UGP).

(Human Resources)

ACTION: Resolution No. 2002-24839 adopted. Mary Greenwood to handle.

- C7L A Resolution Authorizing The City Manager, Or His Designee, To Issue A Request For Proposals (RFP) For Emergency Housing And/Or Transitional Housing For Miami Beach Homeless Individuals And/Or Families.

(Neighborhood Services)

ACTION: Resolution No. 2002-24840 adopted. Gus Lopez to issue an RFP.

- C7M A Resolution Approving And Authorizing The City Manager To Issue A Certificate Of Consistency With The City's Consolidated Plan To Volunteers Of America National Services To File With An Application To The U.S. Department Of Housing And Urban Development For Funds From The Section 202 Program To Develop A 42-Unit Housing Facility For Income Eligible Elderly To Be Located At 1231-1251 17th Street.

(Neighborhood Services)

ACTION: Resolution No. 2002-24841 adopted. Vivian Guzman to handle.

- C7N A Resolution Approving And Authorizing The City Manager To Issue Certifications Of Consistency With The City's Consolidated Plan To Douglas Gardens Community Mental Health Center Of Miami Beach, Inc. To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development To Continue Providing Housing To Formerly Homeless Persons With Disabilities At The Mayfair Hotel, 1960 Park Avenue, Miami Beach, To Continue Providing Case Management Services To Formerly Homeless Persons, And To Continue To Operate And Enhance A Scattered Site Housing Program And Supportive Services For Formerly Homeless Persons In Miami Beach.
(Neighborhood Services)

ACTION: Resolution No. 2002-24842 adopted. Vivian Guzman to handle.

11:05:06 a.m.

- C7O A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To Carrfour Corporation To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development To Provide Supportive Housing To Formerly Homeless Individuals At Harding Village, 8540 Harding Avenue, Miami Beach.
(Neighborhood Services)

ACTION: Item separated for discussion by Commissioner Smith. Resolution No. 2002-24843 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Gross; Voice vote: 7-0. Vivian Guzman to handle.

Commissioner Smith's issue is not on the merits of the application. He stated that his issue is with the process of how this issue comes to the City Commission. He stated that he had no idea this item was going to be on the Agenda. It is important that City staff be able to speak with the Commission.

Jorge Gonzalez, City Manager, stated that the Administration routinely gets requests for Certifications of Consistency with the City's Consolidated Plan. The discussion of the merits of a project should be held when the Consolidated Plan comes before the Commission. He also addressed the issue of the Commission or Commission Aides contacting staff. He stated that he encourages this type of communications. It is important for the City Manager to know the questions to make sure the Commission gets a full answer, a responsive and timely answer, and that the Commission does not get differing information.

Commissioner Smith stated that he believes there is, within the Administrative staff, a culture developing that makes staff fearful of having any kind of communications with members of the Commission.

Jorge Gonzalez, City Manager, stated that if that is the perception, it is not intended to be that way and he will work to correct it.

Handout and reference materials

1. Supportive Housing Update Newsletter-Carrfour Corporation/Maria Pellerin Barcus Executive Director.

- C7P A Resolution To Join With Communities Across The United States, In Proclaiming May 19-25, 2002, As "National Hurricane Awareness Week" In The City Of Miami Beach.
(Neighborhood Services)

ACTION: Resolution No. 2002-24844 adopted. Vivian Guzman to handle.

- C7Q A Resolution Approving An Additional Appropriation Into Work Order Number 2078 In Bond Fund 481 From Parking Revenue Bond Fund No. 481, Estimated In The Amount Of \$11,500; Included In The Requested Appropriation Is \$8,000 For Additional Architectural/Engineering Work, And \$3,500 For Construction Change Order For The 13th Street Parking Garage Renovation.
(Parking Department)

ACTION: Resolution No. 2002-24845 adopted. Patricia Walker to appropriate the funds. Saul Frances to handle.

- C7R A Resolution Authorizing The Mayor And The City Clerk To Execute An Interlocal Agreement Between The City Of Miami Beach And Miami-Dade County, Florida, Permitting Miami Beach Police Officers To Enforce Provisions Of The Miami-Dade County Code, Specifically Regarding Vehicles For Hire Regulations.
(Police Department)

ACTION: Resolution No. 2002-24846 adopted. Chief De Lucca to handle.

- C7S A Resolution Accepting The Recommendation Of The City Manager Pertaining To Request For Proposals (RFP) 8-01/02 Received For Provisions Of Various Banking Services To The City Of Miami Beach; Authorizing The Administration To Enter Into Negotiations And Contract With The Top Ranked Bank Of SunTrust Bank, Miami; And If Unsuccessful In Negotiations With The Most Qualified Bank, Authorizing The Administration To Enter Into Negotiations With The Second Most Qualified Bank, First Union National Bank; And If Unsuccessful In Negotiating A Contract With The Second Most Qualified Bank, Authorizing The Administration To Enter Into Negotiations With The Third Most Qualified Bank, Bank Of America.
(Procurement)

ACTION: Resolution No. 2002-24847 adopted. Patricia Walker to handle.

11:25:22 a.m.

- C7T A Resolution Setting A Public Hearing, Pursuant To Section 255.20(1)(A)(9), Florida Statutes, To Consider Whether It Is In The Public's Best Interest To Undertake Construction Services, Relative To The Lincoln Road Lighting And Fountain Renovation Project, Said Project Having An Estimated Cost Of \$900,000, Using The City's Property Management Director, A Licensed General Contractor, As The General Contractor For The Project And Who, As The City Manager's Designee, Shall Select, Negotiate, And Award All Contracts, Agreements, Purchase Orders, And Change Orders For The Purchase Of All Necessary Goods And Services Relative To Said Project.
(Public Works)

ACTION: Item separated for discussion by Commissioner Steinberg. Resolution No. 2002-24848 adopted. Public hearing scheduled for May 29, 2002. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. R. Parcher to notice. Lilia Cardillo to place on the agenda. Fred Beckmann to handle.

Commissioner Steinberg stated that the City Commission is being asked to give \$900,000 for renovations for lighting and fountains on Lincoln Road to the Property Management Director without going out for competitive bidding. He suggested that the Commission approve the Property Management Director to proceed, but to come back to the City Commission for approval to expend the money.

Jorge Gonzalez, City Manager, stated that this item sets the Public Hearing to discuss the plan in detail.

Brad Judd, Property Management Director, gave an oral report on the projected work and estimated

expenditures.

Commissioner Garcia added that the fountain on Lincoln Road and Washington Avenue, "The Roach" is a drain on City resources and it costs the City a lot of money. He would be inclined to level it and put a monument or something in its place. He stated that he was going to bring this item back for further discussions.

Jorge Gonzalez, City Manager, stated that when the public hearing is held and the City Commission takes action that the Administration is recommending, the City Attorney has opined that because this work is delegated to the general contractor, in this case Brad Judd, after the work is done, and in order to avoid an unlawful delegation of construction work, the contract will be brought back to the City Commission for approval.

11:32:50 a.m.

- C7U A Resolution Ratifying The Administration's, Through Its Property Management Division's, Contract Award To Laumar Roofing South Inc., In The Amount Of \$225,730, For The Roof Replacement And Air Conditioning Renovation Of The 555-17th Street Building.
(Public Works)

ACTION: Item separated for discussion by Commissioner Steinberg. Resolution No. 2002-24849 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote 7-0. Fred Beckmann to handle.

Brad Judd, Property Management Director, gave an oral overview of the bid process used and the bid responses.

Commissioner Steinberg requested that future agenda items contain the bid information in the Commission Agenda materials.

- C7V A Resolution Authorizing The Mayor And City Clerk To Grant The Attached Easement, Jointly With Murano Two, LTD. And Murano Three, LTD., To The Florida Power & Light Company (FP&L), For The Provision Of Underground Distribution Facilities And A Transformer Vault, Located At 400-450 Alton Road, On SSDI-North Parcel; And Authorizing The Mayor And City Clerk To Execute And Record Said Easement.
(Public Works)

ACTION: Resolution No. 2002-24850 adopted. Fred Beckmann to handle.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****8:12:58 p.m.**

- R5A Parking Structures In Some Residential Zoning Districts To Serve Commercial Uses
An Ordinance Amending Chapter 130, "Off-Street Parking" Of The Code Of The City Of Miami Beach, Florida, By Amending Section 130-68, "Commercial And Non-Commercial Parking Garages"; To Include Provisions For Allowing Non-Residential Use Of Certain Parking Garages In RM-1 Districts, And Allowing Ground-Floor Commercial Uses Within Certain Parking Garages In RM-2 Districts; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **10:30 A.M. First Reading, Public Hearing**

(Planning Department)
(Continued From April 10, 2002)

ACTION: Public Hearing opened and continued. Motion made by Commissioner Steinberg to open and continue to May 29, 2002 at 10:50 a.m.; seconded by Vice-Mayor Gross; Voice vote: 4-0; Absent: Commissioners Bower, Cruz and Garcia. Lilia Cardillo to place on the Commission agenda. Jorge Gomez to handle.

Handout or Reference Materials

1. Public Hearing notice Miami Herald Neighbors Ad

12:07:34 p.m.

- R5B An Ordinance Amending Ordinance No. 789, The Classified Employees' Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Group IV Classifications, Those Being The Classifications Covered By The Communication Workers Of America (CWA), Local 3178, In Accordance With The Negotiated Agreement; Retroactively Increasing The Minimum And Maximum Of The Salary Ranges By 4%, And Increasing The Salary Of Each Employee By 4% From The Payroll Dates Of September 25, 2000, And September 24, 2001, Respectively; Increasing The Minimum And Maximum Of The Salary Ranges By 4%, And Increasing The Salary Of Each Employee By 4% To Be Applied As Of The Payroll Date Of September 23, 2002; Amending The Salary Ranges Of The Classifications Specified In The Negotiated Agreement; Creating The Classifications Of Carpenter II, Finance Specialist I, Finance Specialist II, And Finance Specialist III; Amending The Titles Of Carpenter To Carpenter I And Code Compliance Field Supervisor To Code Compliance Administrator; Transferring The Titles Of The Classifications Of Crime Scene Technician I, Crime Scene Technician II, Police Fleet Specialist, Property Evidence Technician I, Property Evidence Technician II, Public Safety Specialist And Police Records Technician From The Group VI, Being Others, To The CWA Bargaining Unit; Transferring The Titles Of Civil Engineer I, Civil Engineer II, And Planner From The CWA Group To The Unclassified Group; Deleting The Previous Format Of The CWA Section Of The Ordinance And Replacing It With The Current Format Of The Other Sections; Repealing All Ordinances In Conflict; Providing For Severability And An Effective Date. **10:45 A.M. Second Reading, Public Hearing.**

(Human Resources)
(First Reading On April 10, 2002)

ACTION: Public Hearing held. **Ordinance Number 2002-3362 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Garcia; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. T. C. Adderly to handle.

Don LaRotunda; Representative from Local 789 stated that he was pleased to say that due to the hard work and cooperation of Richard McKinnon and his bargaining team, Mary Greenwood, her staff, and City

Manager Jorge Gonzalez, an agreement was reached that both parties can be proud of. He thanked everyone who made it possible.

Richard McKinnon, President of CWA Local 3178, stated that the Union had four goals in mind when they started the negotiations:

1. Eliminate the "B" scale that starts new employees at 15% less.
2. Eliminate or minimize the subjectivity in the current promotional process which has lowered the employees' morale, and replaced it with measurable criteria that promotes employees base on true merit.
3. Increase the City's contribution towards health insurance.
4. Equalization of pension benefit per equal pension contribution by all employees.

The Administration and the Union agreed on the following:

1. Eliminate 9% of the 15% of our pay plan for future employees and accelerated the current employees hired after 11/4/1998.
2. The promotional process will be addressed outside of the collective bargaining agreement.
3. Re-open the percentage that the City pays for health insurance upon the recommendation of the Blue Ribbon Committee.
4. The COLA was increased from 1.5% to 2.5% and agreed to re-open the pension article upon the possible settlement of the class action suit filed by the plan's participants.

Mr. McKinnon stated that the Union did not get everything they wanted but this is a good agreement and they are happy. The City Manager, Jorge Gonzalez, did a very good job negotiating a fair contract that will further the interests of the City and its employees. He was very diligent in keeping the taxpayer's purse strings tight. The Union acknowledged the City representatives Mary Greenwood, Vashanna McIntosh, T.C. Adderly, Linda Gonzalez, Jim Stokes outside counsel for the City from the law firm of Muller and Mintz, and Assistant City Manager, Mayra Diaz Buttacavoli. The Union also acknowledged chief negotiator Don La Rotunda, Joseph Fisher, Chairman of the Bargaining Team, Phyllis Shamis, Dianne Moore, Warren Green and, David Robinson, Union counsel for CWA Local 3178 with the law firm of Sugarman and Suskind, Larry Jessup, Economist, and Charles Ed Cowart, deceased. The Union thanked the City Commission for a fair and equitable agreement.

Handout or Reference Materials

1. Public Hearing notice Miami Herald Neighbors Ad

12:16:32 p.m.

R5C Amendments To The Miami Beach City Code, Chapter 2, Division 3, Governing "Lobbyists":

1) An Ordinance Amending Miami Beach City Code Chapter 2, Division 3, Section 2-485 Thereof Entitled "List Of Expenditures; Fee Disclosure; Reporting Requirements," By Requiring Disclosure Of Lobbyists' Fees; Providing For Repealer, Severability, Codification, And Effective Date. **10:55 A.M. Second Reading, Public Hearing.**

ACTION: Public Hearing held. **Ordinance Number 2002-3363 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 5-1: Opposed Vice-Mayor Gross; Absent Commissioner Garcia. R. Parcher to transmit to Municipal Code Corporation. R. Parcher to handle.

Commissioner Smith requested Jean Olin, First City Attorney, to make sure that all the public comments made at the first reading of the ordinance are made part of the record. Ms. Olin stated that all testimony from the first reading is incorporated as part of the records.

Robert Meyers, Miami- Dade County Commission on Ethics, stated that the City of Miami Beach will be the first government in the State of Florida to adopt this type of legislation.

David Kelsey spoke.
Carter McDowell, Esq. spoke.
Harold Rosen, Esq. spoke.

Commissioner Smith stated that Florida licensed attorneys should not have to register on issues dealing with quasi-judicial proceedings.

Amendment:

Motion made by Vice-Mayor Gross to limit the scope of the ordinance to apply to lobbying on issues dealing with the procurement process and the award of City contracts; seconded by Commissioner Garcia; Ballot vote: 2-5; Opposed: Mayor Dermer, Commissioners Bower, Cruz, Smith and Steinberg. Motion failed.

Discussion continued.

Amendment:

Motion made by Commissioner Steinberg that if an individual controls 10% interest or more of an entity, there is no need to file since they are acting for themselves.

Discussion continued.

Commissioner Steinberg withdrew his motion.

Handout or Reference Materials

1. Letter from Judith Rosen to Mayor Dermer dated April 10, 2002.
2. Public Hearing notice Miami Herald Neighbors
3. Copy of Section 2-481 of the Code-Definition of Lobbyist submitted by Carter McDowell, Esq.
4. Roll call Voting Ballot Amendments (limit scope to procurement and City contracts)

2) An Ordinance Amending Miami Beach City Code Chapter 2, Division 3 Entitled "Lobbyists" By Creating Section 2-485A Entitled "Prohibited Lobbying Activities" Proscribing Certain Representations Of Third Parties By City Lobbyists; Providing For Repealer, Severability, Codification, And Effective Date. **10:56 A.M. Second Reading, Public Hearing**

ACTION: Public Hearing held. **Ordinance Number 2002-3364 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code Corporation. R. Parcher to handle. Christina Cuervo to transmit to Rutledge, Ecenia, Purnell & Hoffman, the City's State lobbyist, and Jorden Burt, the City's Federal lobbyist.

Handout or Reference Materials

1. Public Hearing notice Miami Herald Neighbors Ad

3) An Ordinance Amending Miami Beach City Code Chapter 2, Division 3 Entitled "Lobbyists", By Creating A Section 2-485B Entitled "Contingency Fee Prohibited," Providing Lobbyist Contingency Fees; Providing For Repealer, Severability, Codification, And Effective Date.

10:57 A.M. Second Reading, Public Hearing.

(Requested By Commissioners Matti Herrera Bower & Jose Smith)
(First Reading On April 10, 2002)

ACTION: Public Hearing held. **Ordinance Number 2002-3365 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code Corporation.

Handout or Reference Materials

1. Public Hearing notice Miami Herald Neighbors Ad

4:28: 30 p.m.

R5D An Ordinance Amending The Miami Beach City Code, Chapter 18, "Businesses," Article XV, "Street Performers And Art Vendors," Section 18-902, "Permit Required," To Clarify When Permits Are Required, And The Applicability Of Any Other City Ordinances; Section 18-903, "Permit Application," To Change The Application Processing Fee To A Permit Fee, Allow Performing And Vending Groups To Obtain A Single Permit, And Permit Joint Use Of Designated Locations By Street Performers And Vendors; Section 18-904, "Areas Reserved For Street Performances And Art Vending," To Allow For Joint Use Of Sites By Street Performers And Vendors, And Adding Additional Locations For Such Performances And Vending; Section 18-905, "Permit Rules And Requirements," To Clarify Certain Rules, And Prohibit Push Carts And Mobile Displays, And Section 18-906, "Hours Of Operation," To Extend Expanded Hours Of Operation For All Locations, And Clarify Requirements For Removal Of Items From Designated Locations; Providing For Repealer; Severability; Codification; And An Effective Date. **11:00 A.M. Second Reading, Public Hearing.**

(Requested By Commissioner Matti Herrera Bower)
(First Reading On April 10, 2002)

ACTION: Public Hearing held. **Ordinance Number 2002-3366 adopted as amended.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Patricia Walker and Al Childress to handle.

Handout and reference materials

1. Memo from Gary Held, First Asst. City Attorney, to Murray Dubbin, City Attorney, dated May 3, 2002. Re: Street Performance Ordinance.

Amendments:

1. 18-903 (3) "A group of up to ~~three~~ four performers...."
2. 18-904 (d) "....25 square feet of space except in the case of a group permit where additional square feet may be allowed as appropriate for the location as specified in permit."
3. 18-904 (h) - strike the entire paragraph.
4. 18-904 (g) - "...however, no additional permits for particular locations shall be issued under this subsection "g" on"

Murray Dubbin, City Attorney, stated on the record, that this vote is the culmination of a number of meetings and studies conducted by this Commission and Committee of this Commission. The record should reflect that this record is part of any record which will be part and parcel to any litigation which may result because of this ordinance.

Handout or reference materials:

1. Memorandum from Gary M. Held, First Asst. City Attorney to Murray H. Dubbin, City Attorney, Dated May 3, 2001, RE: Street Performer Ordinance.
1. Public Hearing notice Miami Herald Neighbors Ad

4:40:13 p.m.

R5E An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," By Amending Article III, "Overlay Districts," By Adding Division 5, "West Avenue Bay Front Overlay," Section 142-842, "Location And Purpose," Section 142-843, "Compliance With Regulations," Section 142-844, "Residential Office Overlay Area," Section 142-845, "Suites Hotel And Bed And Breakfast Inn Overlay Area," Section 142-846, "Off-Street Parking Regulations"; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **11:15 A.M. First Reading, Public Hearing.**
(Planning Department)

ACTION: Public Hearing held. **Ordinance approved on first reading as amended.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 6-0; Absent: Commissioner Garcia. Second Reading and second Public Hearing will be scheduled when the Comprehensive Plan is ready for adoption. Jorge Gomez to handle.

Vice-Mayor Gross commended Jorge Gomez, Planning Director, and William Cary, Historic Preservation Director, for bringing this ordinance forward. He asked Jorge Gomez what is provided in the ordinance on additions. He requested that the ordinance be amended to address modifications to structures after they have availed themselves of the use incentives. Vice-Mayor Gross asked how they are planning to enforce the item listed at the top of page 259. Sec. 142-845 (a)(6) the amount of time that any person may stay in a suites hotel or bed and breakfast.

Amendment:

Jorge Gomez, Planning Director, stated that the owner/operator of the bed and breakfast has to reside in the structure. The word operator will be added to Sec. 147-845 (b)(1).

Handout or Reference Materials.

1. Public Hearing notice Miami Herald Neighbors Ad

6:01:25 p.m.

R5F Proposed Amendment To The GC Golf Course District (La Gorce Golf Course)
An Ordinance Amending Chapter 142, Article 2, Division 8, "GC Golf Course District" Of The Code Of The City Of Miami Beach, Florida, By Amending Section 142-392, "Main Permitted Uses," To Include Additional Main Permitted Uses; Amending Section 142-395, "Development Regulations," To Revise Permitted Height, To Revise Number Of Stories, To Include A Floor Area Ratio Restriction, To Include Fence Requirements, And To Add Hours Of Operation For Garage And Trash Pick Up; Amending 142-396, "Setback Requirements," To Revise Setback Requirements And To Include Setback Requirements For An At-Grade Parking Lot, Storage Facilities And Dumping Sites; And To Include Noise Regulations; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **5:15 P.M. Second Reading, Public Hearing**

(Planning Department)

(First Reading, Public Hearing On April 10, 2002)

ACTION: Public Hearing held. **Ordinance Number 2002-3367 adopted as amended and after the motion to reconsider.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Jeffrey Bercow spoke on behalf of La Gorce Golf Course.

Vice-Mayor Gross stated that the decision made last time in reference to the view was correct and also the decision on the fence was correct. Trespassing, however, is a problem. To remedy the problem, if a homeowner is cited for trespassing, on the third occurrence the homeowner will be brought before a Special Master. The Special Master can recommend that La Gorce Golf Course be allowed to erect a transparent fence, on golf course property, behind the violator's property. Discussion continued.

Commissioner Cruz stated that the street ends must be sealed to prevent the public from having access.

Gary Held, First Assistant City Attorney, read an amendment into the record: "The set back on the golf course adjacent to south of 51st Terrace and homes who side the property line shall be 87 1/2 feet (75 feet, plus the 12 1/2 feet)."

Amendment:

Motion made by Vice-Mayor Gross; seconded by Commissioner Steinberg.

1. Upon a finding by a Special Master appointed to the City, following proof by a preponderance of the evidence of trespass committed three times in a calendar year by an abutting property owner, the owner of the golf course may erect a transparent, non-opaque, metal picket fence, not exceeding five (5) feet in height adjacent to that property owner's abutting property. Proof of notice to the abutting property owner by certified mail of the first two incidences of trespass shall be submitted to the Special Master.
2. The set back on the golf course adjacent to south of 51st Terrace and homes who side the property line shall be 87 1/2 feet (75 feet, plus the 12 1/2 feet).
3. If property is sold, within 90 days, the new property owner may, upon written notice, request the fence be removed by the La Gorce Golf Course; Ballot vote: 6-0; Absent: Commissioner Garcia.

Motion made by Commissioner Cruz to reconsider; seconded by Commissioner Steinberg; Voice vote 6-0; Absent Commissioner Garcia.

Commissioners Bower and Cruz expressed concern with the language of the ordinance because the fence would not stop trespassers if the property has no fence along side the property line.

Motion made by Commissioner Cruz that a trespass warning should be issued on the first offense, after the first offense the golf course operator calls the Police and the trespasser is arrested. No second offered.

FINAL MOTION:

Motion made by Commissioner Steinberg to adopt the ordinance with the one amendment of the set back on the south side of the property (The set back on the golf course adjacent to 51st Terrace and homes whose side property line abuts the golf course shall be 87.5 feet (75 feet, plus the 12.5 feet); seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Garcia.

Vice-Mayor Gross suggested that the homeowner establish a committee so the La Gorce Golf Course can have a forum to discuss problems.

Handout and reference materials:

1. Public Hearing notice Miami Herald Neighbors Ad.
2. Letter from Beverly Mostkoff Unger to Jorge Gomez, Planning Director, dated 5/6/2002, Re: Proposed Amendment to the GC Golf Course (La Gorce Golf Course).
3. 11 color photos.
4. Ordinance (Administrative Recommendation) submitted by Jeffrey Bercow.
5. Suggested revised ordinance language submitted by Jeffrey Bercow.
6. Letter from Jeffrey Bercow to Murray Dubbin dated 5/7/2002-Re: Proposed Ordinance Amending the Golf Course Zoning District Land Development Regulations-Notice of Objection.
7. Signed Petitions in support of the Administrations version of the ordinance. Submitted by Jeffrey Bercow.
8. Miami-Dade County Property Appraiser Public Access for the following properties:
5685 Alton Road
5225 La Gorce Dr.
5220 La Gorce Dr.
5226 Alton Road
5229 Alton Road
9. Letter from Brad and Tricia Hopkins to Mayor Dermer and City Commission, dated 5/6/2002, Re: Fencing of La Gorce County Club.
10. Letter from Dr. and Mrs. Nathan Beckman to Mayor and Commissioners, dated 5/8/2002
11. Speakers List

8:10:59 p.m.

R5G An Ordinance Amending Ordinance No. 1901 Which Created The Retirement System For General

Employees By Amending Section 5.09, "Post Retirement Adjustments" Paragraphs (b) And (d), Thereof To Allow For Increasing The Annual Improvement Factor At A Compounded Rate Of Two And One-Half Percent For Employees Within The Classifications Covered By The "GSA," "AFSCME" And "CWA" Bargaining Units, Or Any Employee Within The Classifications Of The Group "Others," Retroactive To October 2, 2000; Providing For Repealer; Severability; And An Effective Date. **First Reading.**
(Human Resources)

ACTION: Ordinance approved on first reading. Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Ballot vote: 4-0; Absent: Commissioners Bower, Cruz and Garcia. Second Reading and Public Hearing scheduled for May 29, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. T. C. Adderly to handle.

7:48:54 p.m.

R5H An Ordinance Amending Section 82-411(D) Of The Miami Beach City Code, Entitled "Prohibited Signs Generally; Exemptions; Banners; Removal"; Said Amendment Authorizing The Administration To Approve The Placement Of Light Pole Banners For Events Taking Place In The City Of Miami Beach; Provided Further, However, That Requests For Light Pole Banners To Promote Events Outside The City Of Miami Beach Shall Be Approved By The City Commission; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading.**
(Cultural Affairs & Tourism Development)

ACTION: Ordinance approved on first reading. Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 6-0; Absent: Commissioner Garcia. Second Reading and Public Hearing scheduled for May 29, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. James Quinlan to handle.

R6 - Commission Committee Reports

R6A Report Of The G.O. Bond Oversight Committee Meeting Of April 8, 2002: **1)** Projects Status Report: a) 13th Street Parking Garage Expansion; **2)** Recommendations To The City Commission: a) Star, Palm And Hibiscus Basis Of Design Report (BODR); b) Biscayne Point Neighborhood Design Services Award; c) Amendment To 17th Street Renovations A/E Agreement; d) West Avenue Additional Services Award; e) A/E RFP For Venetian Islands; **3)** Informational Items: a) Updated Calendar Of Scheduled Community Design Workshops; b) Normandy Shores ROW Improvements Community Design Workshop # 2 Report; c) Report On Relocation Of Library On Washington Avenue; d) Discussion Of "Nominal Group" Form Of Consensus Building; e) Use Of Shane Water Sports Center Project GO Bond Funds; And **4)** Change Order Report.

ACTION: Item not reached. Lilia Cardillo to place on May 29 Consent Agenda.

- R6B Report Of The Neighborhoods Committee Meeting Of April 17, 2002: **1)** Temporary Permits Ordinance; **2)** Recommendations Regarding Code Compliance Criteria, Existing Code Enforcement Laws And Settlement Of Liens; And **3)** Educational Programming For Monument Island.

ACTION: Item not reached. Lilia Cardillo to place on May 29 Consent Agenda.

1. Discussion regarding the Temporary Permits Ordinance amendment which aligns holiday construction limitation with those observed by the City.
The Committee unanimously approved not amending the current provisions of the City Code. No further action required since item was referred on first reading to committee.
2. Recommendations regarding code compliance criteria, existing code enforcement laws and settlement of liens.
Staff will develop the matrix and schedule a meeting prior to the May 8, 2002 Commission meeting to review and discuss the matrix. **AI Childress to handle.**
3. Educational Programming for Monument Island.
The committee did not take any action on this item pending a recommended program from the Administration.

- R6C Report Of The Community Affairs Committee Meeting Of April 23, 2002: **1)** Discussion Regarding Review And Recommendation On A Citizen's Request To Televis, On Government Channel 20, Meetings Of The City Commission Committees; **2)** Discussion Regarding Broadcasting Televised City Of Miami Beach Board And Commission Meetings In Both English And Spanish In Order To Improve Communication Between The City And Our Community; And **3)** Discussion Regarding The Ordinance Implementing A Local Preference In The Award Of Contracts For Goods And Services To Miami Beach-Based Vendors, By Amending Chapter 2 Of The Code Of The City Of Miami Beach Entitled "Administration", By Amending Article VI Thereof Entitled "Procurement", By Amending Division 3 Entitled "Contract Procedures", And Division 4 Entitled "Purchases", By Amending Section 2-369, 2-370, And 2-395.

ACTION: Item not reached. Lilia Cardillo to place on May 29 Consent Agenda.

Old Business:

1. Discussion regarding review and recommendation on a citizen's request to televise, on government channel 20, meetings of the City Commission Committees.
The earlier motion made at the April 2, 2002 Community Affairs Committee (CAC) was rescinded because the Committee wanted to maintain the same venue and feel of a roundtable meeting as opposed to a more formal audience setting and the inability to do quality taping in the City Manager's Large Conference Room. Other factors included a lack of staffing and financial resources.

New Business:

2. Discussion regarding broadcasting televised City of Miami Beach Board and Commission Meetings in both English and Spanish in order to improve communication between the City and the community.
The Committee authorized the Administration to proceed with the process of translating the Commission meetings, Commission Workshops, and Budget Hearings from English to Spanish. **R. Parcher to handle.**

3. Discussion regarding the ordinance implementing a local preference in the award of contracts for goods and services to Miami Beach based vendors by amending Chapter 2 of the Code of the City of Miami Beach entitled "Administration", by amending Article VI thereof entitled "Procurement", by amending Division 3 entitled "Contract Procedures", and Division 4 entitled "Purchases", by amending Section 2-369, 2-370, and 2-395.

The Administration is to research. **Gus Lopez to handle.**

R7 - Resolutions

4:39:36 p.m.

- R7A A Resolution Authorizing The Mayor And City Clerk To Execute A Lease Agreement Between The City Of Miami Beach And Roma Waxing, Inc., For Use Of Approximately 1350 Square Feet Of City-Owned Property Located At 777 17th Street, Miami Beach, Florida, For A Three Year Term, Commencing On December 1, 2002, And Ending On November 30, 2005; And Further Waive, By 5/7ths Vote, The Competitive Bidding Requirement; As Required By Section 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City. **10:50 A.M. Public Hearing.**
(Economic Development)

ACTION: Public Hearing Opened and Continued to May 29, 2002 at 10:30 P.M. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Lilia Cardillo to place on the agenda. Christina Cuervo to handle.

Handout or Reference Materials

1. Public Hearing notice Miami Herald Neighbors Ad

8:12:32 p.m.

- R7B A Resolution Granting In Part An After-The-Fact Revocable Permit To Mr. Robert Swedroe Concerning The Street End Of 78th Street, East Of Atlantic Way, Adjacent To Mr. Swedroe's Property, Located At 7747 Atlantic Way; Accepting The Administration's Recommendation And Granting Said Permit To Retain Only A Limited Landscaping With Lighting And Irrigation And Denying Remaining Request For Permit Of Wrought Iron Fence, Trellis, Portions Of Landscaping And Portions Of Concrete Pavers Over Public Right-Of-Way; Further Making The Granting Of Said Permit Subject To The Foregoing Conditions, As Set Forth In This Resolution; And Authorizing The Mayor And City Clerk To Execute The Revocable Permit. **2:00 P.M. Public Hearing.**

(Public Works)

(Resolution To Be Submitted)

ACTION: Public Hearing Opened and Continued to May 29, 2002 at 2:00 P.M. Motion made by Vice-Mayor Gross; seconded by Commissioner Smith; Voice vote: 4-0; Absent: Commissioners Bower, Cruz and Garcia. Lilia Cardillo to place on the agenda. Fred Beckmann to handle.

Handout or Reference Materials

1. Public Hearing notice Miami Herald Neighbors Ad

11:45:02 a.m.

- R7C A Resolution Authorizing The City Manager Or His Designee To Execute A Change Order To The Agreement With Burkhardt Construction, Inc., In The Amount Of \$801,296.22, For The Construction Of The Balance Of The South Pointe Streetscape Project Phase 1 (Washington Avenue From South Pointe Drive To First Street, And Washington Avenue From Fourth Street To Fifth Street); Further Ratifying The Appropriation Of Said Funds From The Available South Pointe Tax Increment Funds. **Joint City Commission And Redevelopment Agency.**
(Capital Improvement Projects)

ACTION: Item heard in conjunction with RDA 3C. Resolution No. 2002-24851 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Gross; Voice vote: 7-0. Tim Hemstreet to handle.

11:45:15 a.m.

- R7D A Resolution Authorizing A Second Amendment To The Professional Services Agreement Between The City And Zyscovich, Inc., Dated April 18, 2001, To Conduct Phase II Of The Site Utilization Analysis And Development Of A Concept Plan For The 17th Street And Washington Avenue Surface Parking Lots, As Provided For In The Agreement, And Approved Pursuant To Resolution No. 2001-24328 And As Defined Herein; Said Amendment In The Amount Of \$75,000, (Comprising \$25,000 In Base Fees And Reimbursables Not To Exceed \$50,000), Subject To Prior Approval By The City Manager; And Further Appropriating Said Funding From City Center Tax Increment Funds. **Joint City Commission And Redevelopment Agency.**
(Economic Development)

ACTION: Item heard in conjunction with RDA 3D. Resolution No. 2002-24852 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Patricia Walker to appropriate funds. Christina Cuervo to handle.

5:48:00 p.m.

- R7E A Resolution Approving And Officially Adopting The Basis Of Design Report Defining And Describing Water And Sewer Bond, G.O. Bond, And Stormwater Bond Funded Capital Improvements To Be Implemented Through The Star/Palm/Hibiscus Islands Right Of Way Improvement Project.
(Capital Improvement Projects)

ACTION: Resolution No. 2002-24853 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Smith. Tim Hemstreet to handle.

Handout or reference materials:

1. EDAW City of Miami Beach Infrastructure Improvement Program Basis of Design Report (Final). - Neighborhood No. 13- Star, Palm, & Hibiscus Islands Neighborhood Bid Package A. - Subject Right-of-Way Infrastructure Improvements Programs.

- R7F A Resolution Approving The Miami Beach Business Assistance Program, And Authorizing An Incentive Package For LNR Property Corporation Following The Criteria In The Miami Beach Business Assistance Program, Subject To Implementation And Funding Of The Program In The Fiscal Year 2002/2003 Budget.
(Economic Development)
(Deferred From April 10, 2002)

ACTION: Withdrawn.

R9 - New Business and Commission Requests

- R9A Board and Committee Appointments.
(City Clerk's Office)

ACTION: Not reached.

Direct appointments made:

Barrier Free Environment Committee:

Mildred Levenson term expires 12/31/03 appointed by Commissioner Smith

Budget Advisory Committee:

David Evensky term expires 12/31/03 appointed by Commissioner Steinberg

Committee on the Homeless:

Murray Kirschner term expires 12/31/03 appointed by Mayor Dermer

Community Development Advisory Committee

Tim Barnum term expires 12/31/03 appointed by Commissioner Smith

Alex Jaimes term expires 12/31/02 appointed by Mayor Dermer

Shaun Leibovitz term expires 12/31/03 appointed by Commissioner Garcia

Fine Arts Board

Leigh Alvarez term expires 12/31/03 appointed by Commissioner Bower

George Neary term expires 12/31/03 appointed by Mayor Dermer

Grace Sherman term expires 12/31/03 appointed by Commissioner Garcia

Loan Review Committee

David Lancz term expires 12/31/02 appointed by Commissioner Steinberg

Marine Authority

Ira Nusbaum term expires 12/31/02 appointed by Commissioner Smith

Miami Beach Commission on the Status of Women

Beth Gopman term expires 12/31/03 appointed by Mayor Dermer

Sarah Lenett term expires 12/31/02 appointed by Commissioner Gross

Public Safety Advisory Committee

Bruce Reich term expires 12/31/002 appointed by Mayor Dermer

Safety Committee

Carl Linder term expires 12/31/03 appointed by Commissioner Smith

Eugenio Martinez term expires 12/31/02 appointed by Commissioner Garcia

Youth Center Advisory Board

Dennis Bruce term expires 12/31/03 appointed by Commissioner Bower

Ad Hoc Committee Concurrency Management.

Minnette Benson (resident) Citizens appointed by Commissioner Garcia

R9B(1) Dr. Stanley Sutnick Citizen's Forum.

ACTION:

Howard Kaufman spoke about the Par 3 Golf Course. He stated that the property was deeded to the City and cannot be used for any other purpose but golf. He asked the City to look into the legality of giving golf course land for other purposes.

Harry Garfinkle stated that condominium owners at 5660 Collins Avenue have made every effort to comply, since 5/4/1999, with the life safety plan for fire regulations. They have submitted the plans on five separate occasions, and the Fire Department keeps making corrections to the plans because each fire official interprets the requirements different. He was told to apply for a building permit. His condominium has become a test case for all of the City of Miami Beach condos and in order to keep their expenses as low as possible, they need to go before Special Master. He wants to know the responsible individual to approve their plans so that they can contract this job.

Commissioner Garcia stated that this is an issue that needs to be resolved. Since this is a gray area, there are inconsistencies by the different fire specialist analyzing the plans. He asked the City Manager to issue a set of rules to resolve this problem. The City will lose credibility by not being consistent in its interpretations.

Jorge Gonzalez, City Manager, stated that the Fire Prevention Bureau is reviewing its process. The City Manager requested to meet with Mr. Garfinkle to find out the specific issues.

Commissioner Garcia asked the City Manager to keep his office informed.

David Kelsey: 1) He commended the Police Department for the quick arrest of the individuals involved in the kidnapping and murder of Ana Maria Angel. **2)** He spoke about the Bay Link newsletter. He stated that this is the first time the public can see what will take place and how it will work. He also found out at the Bay Link meeting how many parking spaces we will be lost. There is a substantial negative impact on the parking situation. He stated that the Bay Link is a key component to the Watson Island Development Plans. He suggested that the Commission request that the City Manager take an active role into what is going on in Watson Island.

Mayor Dermer asked the City Manager how active has the City of Miami Beach been in the Watson Island Project as far as concurrency and the impact it could have on the traffic.

Jorge Gonzalez, City Manager, stated that he sent a letter to the City of Miami City Manager requesting that when they create their advisory committee for the Watson Island Development Project, the City of Miami Beach be included in the membership of this committee.

Murray Dubbin, City Attorney, stated that the City expressed concerns regarding the Parrott Jungle project as far as the noise and inconvenience that would result from this.

Jorge Gonzalez, City Manager, suggested to the Mayor to have a "Mayor/Manager meeting."

Minnette Benson: 1) She complemented the Mayor for attending every meeting of the Bay Link project. She stated that it is going to cost \$32M to create 8 1/2 miles of rail. She spoke on legislation passed to study mitigation, how is it applied, who pays the impact fees, etc. She asked that this committee, being an Ad-Hoc Committee, be composed of long-term experienced members of the Transportation Committee.

2) She stated that for those people that demolished the historic home, the penalty should be very hard and maybe some jail term is in order.

Commissioner Garcia appointed Minnette Benson as his representative (resident) to the Citizens Ad Hoc Committee to participate in the review of the City Of Miami Beach Concurrency Management System.

Eugene Rodriguez, 1412 Ocean Drive, spoke on the homeless situation. Code Enforcement is giving fines to property owners for the garbage created by the homeless. The homeless are using all the showers at the beach.

Commissioner Cruz stated that he took at night around South Beach. The homeless use the showers especially in the mornings; in the evening they are camping in the park. It is a mess. The City needs to attack the root of the problem and the problem is not about enforcement.

Commissioner Garcia stated that in San Diego every night the Sanitation Department waters the streets to keep them clean.

Jorge Gonzalez, City Manager, reminded the Commission that the camping ordinance limits the City's ability to move the homeless unless we have a shelter bed available.

Commissioner Cruz agreed and stated that a workshop is needed to discuss this issue. Washington Avenue needs work; the streets are in despair and dirty. North Beach now looks better than South Beach.

Vice-Mayor Gross stated that the sidewalk on Washington Avenue needs to be pressure cleaned.

Commissioner Steinberg added that the issue here is that the property owner is unjustly fined.

Jorge Gonzalez, City Manager, stated that he would talk to the Sanitation Department Director and come up with solutions.

Handout reference and materials

1. Example of Cross Section on Alton Rd. or Washington Ave. submitted by David Kelsey.
2. Speakers list.
3. Letter from Harry Garfinkle, Manager and designated spokesman of the 5660 Collins Ave. Condominium, to Mayor Dermer and Commissioners, dated 5/8/02, RE: NFPA 101A

R9B(2) Dr. Stanley Sutnick Citizen's Forum.

ACTION: Not reached.

R9C The Committee Of The Whole Will Meet During Lunch Break In The City Manager's Large Conference Room Regarding The Fiscal Year 2002/03 Proposed Operating Budget Request For The Office Of The Mayor And Commission.

(Finance Department)

ACTION: Meeting called to order at 2:20 p.m.

All members of the City Commission present.
Murray Dubbin, City Attorney was present.
Jose Cruz and Carmen Carlson were present
Luis Wong and Maribel Ramirez were present.

Overview of the budget of the Office of the Mayor and City Commission given by Mayor Dermer and Jorge Gonzalez, City Manager.

Motion made by Commissioner Cruz to increase the monthly allowance of the Mayor from \$1,100 to \$2,000 a month and the Commissioners monthly allowance from \$1,100 to \$1,500; seconded by Commissioner Bower. Discussion held. Commissioner Bower withdrew her second.

No one objected to the budget being proposed.

Meeting adjourned at 2:50 p.m.

Handout or reference materials:

1. City of Miami Beach Office of the City Manager Letter to Commission No. 107-2002 Fiscal year 2002/2003 Proposed Operating Budget Request for the Office of the Mayor and City Commission.
2. Audit tape of the Budget Review Meeting.

R9D Discussion Regarding Rental Motor Scooters.
(Requested By Commissioner Jose Smith)
(Deferred From April 10, 2002)

ACTION: Not reached.

R9E Discussion Regarding Convention Center Development Tax.
(Requested By Commissioner Jose Smith)
(Deferred From April 10, 2002)

ACTION: Not reached.

R9F Discussion/Referral Regarding Quality Of Education Committee.
(Requested By Commissioner Matti Herrera Bower)
(Deferred From April 10, 2002)

ACTION: Not reached.

- R9G Discussion Regarding Panhandling In Miami Beach.
(Requested By Commissioner Richard L. Steinberg)
(Deferred From April 10, 2002)

ACTION: Commissioner Steinberg requested this item be referred to the Neighborhoods Committee. Vivian Guzman to place on Committee agenda. Vivian Guzman and Chief De Lucca to handle.

- R9H Discussion Regarding Mayor's Blue Ribbon Tourism Task Force - Residential Subcommittee Report.
(Requested By Mayor David Dermer)
(Deferred From April 10, 2002)

ACTION: Not reached.

- R9I Discussion Regarding The Effect Of The Omnipoint Decision On Our Land Use And Development Boards.
(Requested By Commissioner Jose Smith)

ACTION: Commissioner Smith requested this item be referred to the Land Use and Development Committee. Jorge Gomez to place on Committee agenda and handle.

4:03:09 p.m.

- R9J Discussion Regarding The Demolition Of A Single-Family Home At 3080 N. Bay Road On April 26, 2002 Without A Demolition Permit, And To Include Fines/Requirements For Rebuilding Homes.
(Requested By Commissioner Matti Herrera Bower & Vice-Mayor Saul Gross)

ACTION: Discussion held. Motion made by Commissioner Bower to refer the ordinance (see Handouts or Reference Materials) to the Planning Board; seconded by Commissioner Garcia; Voice vote 7-0. Jorge Gomez to place on Planning Board agenda.

Mayor Dermer suggested that the Administration prepare the strongest ordinance possible and that two or three different models be presented to the Planning Board and come back to the City Commission with the best model.

Handout and reference materials

1. Administrations version of the Single family demolitions procedures ordinance.

4:20:08 p.m.

R9K Discussion Regarding Allowing Provisional Parking Permit To The Employees And Visitors Of Rebecca Tower North And South.

(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held.

Commissioner Garcia stated that a suggestion was made to ask the Housing Authority to allow the use of their vacant lot for parking as a temporary relief to this problem.

Charles Burkett, Chairman of the Housing Authority, stated that one of the solutions is to use the vacant lots as parking. He asked the City to allow them to use this as temporary parking.

Jorge Gomez, Planning Director, stated that since the lots are in a residential area Planning Board approval is required. He added that if they can meet the noticing requirement, this could be considered at the next Planning Board meeting.

ADDENDUM:

R9L Discussion Regarding Extension Of The Greater Miami Visitors & Convention Bureau's Contract.
(Requested By Commissioner's Simon Cruz & Luis R. Garcia, Jr.)

ACTION: Not approved as an emergency item.

Reports and Informational Items

A City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report.

(Parking Department)

ACTION: Written report submitted.

C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.

(Capital Improvement Projects)

ACTION: Written report submitted.

D Status Report On The General Obligation Bond Funded Project For The Rehabilitation Of Fire Station No. 4.

(Capital Improvement Projects)

ACTION: Written report submitted.

E Informational Report To The Mayor And City Commission, On All Existing City Contracts For Renewal Or Extensions In The Next 180 Days, Which By Their Terms Or Pursuant To Change Orders Exceed

\$25,000.

(Procurement)

ACTION: Written report submitted.

F Report On Preparations For Memorial Day Weekend 2002 (Thursday, May 23, 2002-Monday, May 27, 2002).

(City Manager's Office)

ACTION: Written report submitted.

4:36:36 p.m.

G Housing Authority Of The City Of Miami Beach (HACOMB) State Of The Agency Quarterly Report For The Period January - March, 2002.

(Miami Beach Housing Authority)

ACTION: Written report submitted and an oral report given by Charles Burkett, Chairman of the Housing Authority.

Handout or reference materials:

1. The Housing Authority of the City of Miami Beach Newsletter (HACOMB) - Issue II Volume V

5:13:51 p.m.

ADDENDUM:

H Status Report On Dialogue With RDP Royal Palm Crowne Plaza.

(City Manager's Office)

ACTION: Commissioner Cruz stated that meetings have been held for the past couple of months and a myriad of issues have been discussed. It started out that Mr. Peebles was requesting consideration of about \$16 million in cost overruns, claims regarding the soil contamination, delay claims and other claims.

Jorge Gonzalez, City Manager, stated that the issue of unpaid rent remains outstanding.

Commission Cruz stated that discussions are down to one issue. Mr. Peebles has agreed to put aside the bulk of his claim if the City would consider allowing him to convert the Shorecrest Hotel to condominiums.

The Shorecrest has 150 units. This would allow Mr. Peebles to sell the property to recoup the cost overruns. The issue is that the City has a \$4.5 million investment in this segment of project. Murray Dubbin, City Attorney, has opined that the City is governed, to a certain extent, by the RFP; however, given the fact that the Shorecrest was brought in by Mr. Peebles and included as part of the Royal Palm RFP, then the City has some latitude.

Murray Dubbin, City Attorney, stated that the City is legally bound by the contract that takes the Shorecrest, together with the Royal Palm, and creates a unified project. This is what binds the City. He stated that this can be worked out, but cannot promise that the City will not be exposed to litigation by any of the losing bidders. Mr. Dubbin stated that if the City were challenged, the City would prevail.

Commissioner Smith asked if the \$10 million is collateralized by \$4.5 million to the Shorecrest and \$5.5 million to the Royal Palm. Therefore, if Mr. Peebles wishes to pay the City the \$4.5 million he would have free and clear title to the property. He asked if there is also a restriction on the use of property.

Jorge Gonzalez, City Manager, stated that there is a 5-year-after-opening (5/15/02) time limitation before Mr. Peebles can sell the property and he does not believe there is restriction on the use.

Murray Dubbin, City Attorney, stated that he did not remember any use restriction and stated that many of the conversations have discussed concepts not specific details.

Commissioner Cruz stated that the condominium conversion is the threshold question.

Commissioner Steinberg asked what the resolution is regarding the back rent.

Jorge Gonzalez, City Manager, stated that there is a disagreement as to the total amount of back rent. There is also a disagreement as to how much environment delay claims, if any. The Administration will seek an environmental cost analysis to determine exactly how much the environmental claim is and determine how much back rent is owed and net out to figure what the balance is.

Commissioner Steinberg asked Mr. Peebles if he is interested in time-share versus hotel. Mr. Peebles stated his objective is a condominium/hotel and stated that he would agree not to sell as time-shares. Commissioner Steinberg also asked if Mr. Peebles would indemnify the City if it were sued. Mr. Peebles stated that he would consider it, but he believes he is already indemnifying the City for a number of things in the ground lease.

Mr. Peebles stated that the Royal Palm groundbreaking is scheduled for Wednesday, May 15, 2002, at 11:00 a.m. and gave an overview of what actions he would like the City to take.

Commissioner Cruz stated the structuring of how the \$4.5 million is repaid would become part of the ongoing discussions.

Jorge Gonzalez, City Manager, stated that at this point there are no details. Discussions have been focused on concepts. The question is whether the Commission is in favor of moving forward with the condominium option.

Vice-Mayor Gross stated that the City needs to confirm with those members of the African-American community who were involved in the process that they are comfortable with this concept.

The City Commission gave direction to the Administration to move forward with the concept.

ADDENDUM:

- I Status Report On The Administrations Activities Relating to the Abduction and murder of the Ana Maria Angel.

(City Manager's Office)

ACTION: Not reached.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
May 8, 2002**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL - Chairman and All members of the Board present.
2. OLD BUSINESS
 - A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of March 31, 2002.
(Submitted Under Separate Cover)

ACTION: Written report submitted.

Handout and reference materials

1. Report of the Itemized Revenues and Expenditures of the Miami Beach Redevelopment Agency for the Month of March 2002, dated May 8, 2002.

11:36:48 a.m.

3. NEW BUSINESS
 - A A Resolution Of The Chairman And Members Of The Board Of The Miami Beach Redevelopment Agency, Authorizing The Appropriation Of \$2,242,742 From South Pointe RDA Tax Increment Funds For Streetscape, Water And Sewer, And Stormwater Improvements Lying Within The South Pointe Redevelopment Area And Being Undertaken Through The Flamingo/Lummus Right-Of-Way Improvement Project.

ACTION: Resolution No. 415-2002 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Steinberg. Patricia Walker to appropriate the funds.

11:37:47 a.m.

- B A Resolution Of The Chairman And Members Of The Board Of The Miami Beach Redevelopment Agency, Authorizing The Appropriation Of \$661,572 From City Center RDA Tax Increment Funds For Streetscape, Water And Sewer, And Stormwater Improvements Lying Within The City Center Redevelopment Area And Being Undertaken Through The Flamingo/Lummus Right-Of-Way Improvement Project.

ACTION: Resolution No. 416-2002 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Steinberg. Patricia Walker to appropriate the funds.

11:38:05 a.m.

- C A Resolution Of The Chairman And The Members Of The Miami Beach Redevelopment Agency Appropriating Funds, In The Amount Of \$801,296.22, From The Available South Pointe Tax Increment Funds, For A Change Order To The Agreement Between The City Of Miami Beach And Burkhardt Construction, Inc., For The Construction Of The Balance Of The South Pointe Streetscape Project Phase 1 (Washington Avenue From South Pointe Drive To First Street And Washington Avenue From Fourth Street To Fifth Street). **Joint City Commission And Redevelopment Agency.**

ACTION: Item heard in conjunction with item R7C. Resolution No. 417-2002 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Gross; Voice vote: 7-0. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

11:45:32 a.m.

- D A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Appropriating Funds In The Amount Of \$75,000 From Available City Center Tax Increments Funds, For Second Amendment To The Professional Services Agreement Between The City And Zyscovich, Inc., Dated April 18, 2001, To Conduct Phase II Of The Site Utilization Analysis And Development Of A Concept Plan For The 17th Street And Washington Avenue Surface Parking Lots, As Provided For In The Agreement; And Approved Pursuant To Resolution No. 2001-24328 And As Defined Herein; Said Amendment In the Amount Of \$75,000, (Comprising \$25,000 In Base Fees, And Reimbursables Not To Exceed \$50,000), Subject To Prior Approval By The City Manager. **Joint City Commission And Redevelopment Agency.**

ACTION: Item heard in conjunction with item R7D. Resolution No. 418-2002 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

Christina Cuervo gave an oral report. She stated that this plan is important because it will update the City's Center Redevelopment Plan, which is being submitted to Miami-Dade County to amend for community policing, to amend and reference the Master Plan as part of the City's Center Redevelopment Plan and also, if we ever proceed with the Business Assistance Program, it will be referenced.

Commissioner Smith asked if the component for the Business Assistance Program is legal or should it be taken out.

Murray Dubbin, City Attorney, explained that the Business Assistance Program is a subsidy for business. He stated that there are some legal problems as far as the Redevelopment Agency's ability to contribute cash out of the trust fund to this type of program. The Legal Department will work with the Administration to see how, or if at all, this can be worked out.

Jorge Gonzalez, City Manager, explained that this item would give the Administration the appropriations and the direction to complete the Zyscovich Plan.

Commissioner Cruz emphasized that status reports should be given every step of the way to make sure that the City Commission continues to support the project. It is important to remember that if the support begins to waiver there is already a \$275,000 investment.

Jorge Gonzalez, City Manager, stated that if any project is not approved, it will not be part of the City's Master Plan and the City's Master Plan will be amended to exclude it.

Commissioner Bower expressed support for this project, but there are concerns on certain aspects of the project such as street closing, etc. She is concerned that we keep moving forward without addressing these concerns.

Jorge Gonzalez, City Manager, stated that there are questions still outstanding. There are several projects involved. The traffic analysis will be conducted at a later date to find out if the street will be closed or not. As of right now, the street is not going to be closed, but the details have not been decided yet.

Vice-Mayor Gross suggested that after the New World Symphony Proposal is reviewed by the Finance and Citywide Projects Committee and comes back in front of the City Commission, the Administration should make a broader presentation at that time as to where we are on all of the projects.

Meeting adjourned at 8:14:37 p.m.

End of RDA Agenda